

BID OPENING
CITY OF SAN JOSE
OFFICE OF THE CITY CLERK

RECEIVED
San Jose City Clerk
City Clerk
2009 DEC 10 2:54 PM
Time Stamp

TOTAL BASE BID 4,729,000
ALT NO. 1 61,000
ALT NO. 2 152,000
ALT NO. 3 6,500
Alt No. 4 2,300
Alt No. 5 _____

BID DATE: Thursday, December 10, 2009

Project Manager: Agatha Ng – 535-8350

CALABAZAS BRANCH LIBRARY

BIDDER NAME: D. L. Falk Construction

Bond ☒ Cashier's Check _____

Addendums Included ()

YES ☒ NO _____

NonCollusion Affidavit

YES ☒ NO _____

PROPOSAL TO CITY OF SAN JOSE

FOR CALABAZAS BRANCH LIBRARY

Name of Bidder: D.L Falk Construction, Inc.

The representations herein are made under penalty of perjury.

To: The City of San Jose, State of California

The undersigned, as bidder, declares that the only person or parties interested in this proposal as principals are those named herein; that this proposal is made without collusion with any other person, firm or corporation; that the bidder has thoroughly read and examined and has full knowledge of and understands all the provisions and contents of this proposal and the documents which must be attached hereto, the Plans approved by the Director of Public Works on **October 27, 2009** entitled **CALABAZAS BRANCH LIBRARY** and the Specifications approved by the Director of Public Works on **October 27, 2009** entitled **CALABAZAS BRANCH LIBRARY** on file in the office of the Director of Public Works of the City of San Jose in City Hall, San Jose, California; that the bidder has thoroughly examined said Plans and Specifications which are on file in the office of the Director of Public Works, and that the bidder has full knowledge of and understands said Plans and Specifications and the requirements thereof; and that the bidder has further read and understands, and has knowledge of the contents of any and all addenda to said Plans and Specifications on file; and that the bidder proposes and agrees, if this proposal is accepted, that the bidder will contract with the City of San Jose, in the form of the copy of the contract on file in the office of the Director of Public Works, to do all the work and furnish all materials specified or referred to in the contract, in the manner and time therein prescribed, and according to the requirements of the City or Director of Public Works as therein set forth, to furnish the contract, bonds and insurance specified in the Specifications, and to do all other things required of the Contractor by the contract; and will take in full payment therefor the following price or unit prices as shown in the Schedule of Quantities on the next page(s).

If the bidder or other interested persons is a corporation, state legal name of corporation, also names of the President, Secretary, Treasurer, and the Manager thereof; if a partnership, state the name of the partnership, if one exists, also the names of all the partners comprising the partnership; if any of the partners are individuals, state the first and last name of every individual in full, if any of the partners are corporations, state for each such corporation, the information required above of corporations; if any of the partners are partnerships, state for each such partnership the information required above of partners; if the bidder or other interested person is a joint-venture, state the name of the joint venture, also names of all joint venturers comprising the joint venture; if any of the joint venturers are individuals, state the first and last name of every individual comprising the joint venture; if any of the joint venturers are corporations, state for each corporation the information required above of corporations; if any of the joint venturers are partnerships, state for each such partnership, the information required above of partners; if bidder or other interested persons is an individual, state first and last names in full.

If bidder is an individual, the bidder's signature shall be placed below; if bidder is an individual, doing business under a fictitious name, the name of the individual followed by the words "doing business under (insert the fictitious name)" shall be set forth above, together with the signature of the individual; if bidder is a corporation, the legal name of the corporation shall be set forth above, together with the signature of the officer or officers of the corporation, authorized to sign contracts on behalf of the corporation, the corporate title; that is Vice-President, Secretary, etc., should be placed below the name of the officer and the corporate seal affixed; if bidder is a partnership, the legal name of the partnership, if one exists, shall be set forth above, together with the signature of the partner or partners authorize to sign contracts on behalf of the partnership; if any of the partners are corporations, execution for such partners shall be accomplished (cont. on page 2 of 3)

CALABAZAS BRANCH LIBRARY

BID DOCUMENTS

Proposal to the City of San Jose

Non-collusion Affidavit

Bidder's Bond

List of Subcontractors

DESCRIPTION OF WORK:

Furnish all necessary labor, materials, equipment, and incidentals to complete the work, as described in the plans and Specifications for this project.

BID ITEM:

For the CALABAZAS BRANCH LIBRARY⁽¹⁻⁴⁾

**TOTAL BID PRICE
FOR EACH ITEM**
(in figures):

Project Description: All work described for the construction of a 10,500sf One Story facility known as the Calabazas Branch Library Project as noted in the project manual and drawings, including allowances described below:

Allowance 1: Utility connections fees.	\$150,000
Allowance 2: SWPPP/Erosion Control requirements.	30,000
Allowance 3: CEQA Mitigation Monitoring and reporting.	30,000
Allowance 4: Third Party Special Inspection for Structural and Soil certification.	150,000
Allowance 5: Third Party Hazardous Materials Monitoring Agency.	25,000
Total Allowances:	<u>\$385,000</u>

TOTAL BASE BID The amount of the Total Base bid set forth here includes each of the above Allowances (no exceptions):

Base Bid:

4,729,000

BID ADD ALTERNATES: ⁽¹⁾⁽²⁾

1. **Alternate 1:** Exterior Metal Panel Siding MP2 (Ribbed Panel)

Add #1: \$61,000

2. **Alternate 2:** Exterior Metal Panel Siding MP1 (Zinc Panels)

Add #2: \$152,000

3. **Alternate 3:** Exterior Concrete Benches with color coating and Anti-graffiti coating; and yellow exterior Pavers

Add #3: \$6,500

4. **Alternate 4:** Interior – Add Glazing and Frame at Group Study Room

Add #4: \$2,300

NOTES:

- (1) Bid Alternates prices are to include the Contractor General Conditions, Project and Overhead, bonding and related costs specified to the scopes of work for each individual Alternate.
- (2) Refer to **Specification Section 01230** for additional information for each "Alternate" alternate work.
- (3) See the Special Provisions Section in this project manual for descriptions of "Award of Contract".
- (4) Base bid value amount is to include the Allowance value as indicated in **Specification Section 01210**, "Allowances".

(cont. from page 1 of 3) in accordance with the requirements set forth above for corporations; if any of the partners are partnerships, execution for such partners shall be accomplished in accordance with the requirements set forth above for partnership; if bidder is a joint-venture, the legal name of the joint venture, if one exists, shall be set forth above for partnerships. If signature is by an agent other than an officer of a corporation, or member of a partnership or a joint venture, a Power of Attorney must be on file with the City Clerk prior to opening bids or submitted with the bid; otherwise, the bid may, at the City's option, be disregarded as non-responsive.

If this proposal shall be accepted and the undersigned shall fail to contract, and to give the Contractor's Bond For Faithful Performance and the Contractor's Payment Bond required by the specifications and contract and by law, and to provide all insurance as required by said contract, within eight (8) days after the bidder has received notice from the City of San Jose, the City may, at its option, determine that the bidder has abandoned his/her contract, and thereupon this proposal and the acceptance thereof shall be null and void, and the forfeiture of such security accompanying this proposal shall operate and the same shall be the property of the City of San Jose.

In accordance with Public Contract Code Section 10232, the Contractor, hereby states under penalty of perjury, that no more than one final unappealable finding on contempt of court by a federal court has been issued against the Contractor within the immediately preceding two year period because of the Contractor's failure to comply with an order of a federal court which orders the Contractor to comply with an order of the National Labor Relations Board. Signing this Proposal on the signature portion thereof shall constitute signature of this Statement.

Accompanying this proposal are the following documents completely filled in by the bidder and the same are incorporated herein by reference;

1. Cash, a cashier's check or a certified check made payable to City, or a bidder's bond executed by an admitted surety insurer naming the City as beneficiary, in an amount equal to at least ten percent (10%) of the total amount bid including all alternatives.
2. A "List of Subcontractors".
3. A "Statement of Bidder's Experience".

City may at its option, request additional supplemental information after bid opening.

Bidder understands that the City reserves the right to reject any or all bids and to waive any informalities in the bidding.

The undersigned, as bidder, declares that in listing subcontractors in this bid, I have not discriminated or given any preference to any firm based on race, sex, color, age, religion, sexual orientation, actual or perceived gender identity, disability, ethnicity, or national origin. I understand that any such discrimination or preference is in violation of Chapter 4.08 of the Municipal Code.

Execution of the Non-Collusion Affidavit constitutes execution of this Bid Proposal including the above statement of nondiscrimination and, with the exception of the Bidder's Bond or Addenda, if any, no other signatures will be required

NONCOLLUSION AFFIDAVIT

Project Title: CALABAZAS BRANCH LIBRARY

D.L. Falk Construction, Inc. being first duly sworn, deposes and says that he/she is
(print name)

the party making the foregoing bid that the bid is not made in the interest of, or on behalf of, any undisclosed person, partnership, company, association, organization, or corporation; that the bid is genuine and not collusive or sham; that the bidder has not directly or indirectly induced or solicited any other bidder to put in a false or sham bid, and has not directly or indirectly colluded, conspired, connived, or agreed with any bidder or anyone else to put in a sham bid, or that anyone shall refrain from bidding; that the bidder has not in any manner, directly or indirectly, sought by agreement, communication or conference with anyone to fix the bid price of the bidder or any other bidder, or to fix any overhead, profit, or cost element of the bid price, or of that of any other bidder, or to secure any advantage against the public body awarding the contract of anyone interested in the proposed contract; that all statements contained in the bid are true; and further, that the bidder has not, directly or indirectly, submitted his or her bid price or any breakdown thereof, or the contents thereof, or divulged information or data relative thereto, or paid, and will not pay, any fee to any corporation, partnership, company, association, organization, bid depository, or to any member or agent thereof the effectuate a collusive or sham bid.

In accordance with Title 23, United States Code, Section 112, the bidder hereby states, under penalty of perjury, that he/she has not, either directly or indirectly, entered into any agreement, participated in any collusion, or otherwise taken any action in restraint of free competitive bidding in connection with this contract. Bidders are cautioned that making a false certification may subject certifier to criminal prosecution.

The undersigned declares under penalty of perjury that the information contained in this proposal and all accompanying documents are true and correct.

Executed on December 10, 2009

D.L. Falk Construction, Inc.
Legal Company Name

Corporation

Indicate Type of Entity: Sole Proprietorship,
Partnership (General/Limited Partners),
Corporation, Joint Venture, etc.

City Business Lic. No.: 210733

Expiration Date: 6/30/10

State Contractor Lic. No.: 683837

Classification: A&B

Expiration Date: 1/31/10

Federal I. D. No.: 94-3191098

Address: 3526 Investment Blvd

Hayward, Ca 94545

By: Janice Sutton

Telephone: 510887-6500

Title: Vice President

NOTARY

On 12/10/09 before me, Sarah L Boyd, personally
appeared (name and title of officer)

Janice Sutton who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

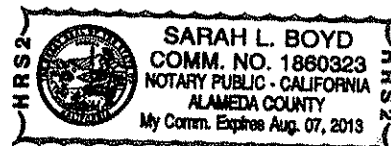
I certify under the PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature Sarah L Boyd

Notary Public

(Seal)



LIST OF SUBCONTRACTORS

Designation of Subcontractors as required in Section 2-1.15A of the City of San Jose Standard Specifications, July 1992.

BIDDER (GENERAL CONTRACTOR): D.L Falk Construction, Inc. (page 1)

NAME OF SUBCONTRACTOR	LOCATION OF PLACE OF BUSINESS	PORTION (DESCRIPTION) OF WORK
RIB CONSTRUCTION	FREMONT, CA	Hazmat/Abatement
Kingdom Pipeline	S.F.	Grading/AC PAVING
RH Concrete	SAN JOSE	Site Concrete
Kingdom Pipelines	S.F.	Site Utilities
Tree to Green	Brentwood	Irrigation & Landscape
Hollister Metals	Hollister	Metal Structural Steel/
Hollister Metals	Hollister	Metal Deck
Anglo Const	SAN FRAN	Rough Carpentry
ASHLAND	Central Point, Oreg	Cabinets
Elan ^{DB} CONSTR.	PACIFIC	Ornamental Plastic Fab
Alumawall	SAN JOSE	FLAT WALL METAL PANEL
KODIAK	Lincoln BRIDGE DC	Ribbed Metal Wall Panel
ALL SEASONS Roofing	SAN JOSE	Built up Roofing
AMAX Glass	Sunnyvale	Aluminum Storefront/glazing
		BRIDGE DC
Ventura	Fremont	{ Portland Cement Plaster Gypsum Board
Ventura	Fremont	
FISCHER Tile	SACRAMENTO	Ceramic Tiles

LIST OF SUBCONTRACTORS (Cont.)

BIDDER (GENERAL CONTRACTOR): D.L Falk Construction, Inc. (page 2)

NAME OF SUBCONTRACTOR	LOCATION OF PLACE OF BUSINESS	PORTION (DESCRIPTION) OF WORK
Elen Construction	PACHICO	Acoustical Ceiling
TVA	Milpitas	Painting
STERIGRAPHICS	MINNEAPOLIS, MN	Identifying devices
		XXXXXXXXXX DL
		XXXXXXXXXX DL
ROSS McDONALD	Livermore	Library Stack System
ADANAC	Sunnyvale	Fire Sprinkler System
BAKERSVILLE PARSONS	Sacramento	Plumbing
Advanced Air	Georgetown Hill XXXXXXXXXX	HVAC
CPC Technologies	OAKLAND	EMS Controls & Automatio
Per Metrics	SAN Leandro	Balancing & Commissionin
Kon Electric	Brisbane	Electrical
RCD Concrete	Union City	BLDG Concrete
Grand Central Floor	SAN Jose	Flooring
Control Technologies	Anheim	FACILITY Mgmt System
KODIAK	Lincoln XXXXXXXXXX	Metal Roof Screens

LIST OF SUBCONTRACTORS (Cont.)

BIDDER (GENERAL CONTRACTOR): D.L Falk Construction, Inc. (page 3)

[illegible]

STATEMENT OF BIDDER'S EXPERIENCE

BIDDER (GENERAL CONTRACTOR): D.L Falk Construction, Inc.

The bidder is required to state below what work of similar magnitude or character the bidder has done, and to give reference that will enable the City Council to judge the bidder's experience, skill and business standing and of the bidder's ability to conduct the bidder's work as completely and as rapidly as required under the terms of the contract. (Contractor may Include Company own Bidders' Experience sheet instead).

PROJECT NAME **AGENCY/ENTITY** **CONTRACTAMOUNT**

Encinal 4/5 Grade	Menlo Park Unified	\$11,709,000
Encial TERC	Menlo Park Unified	\$ 4,170,280
Foster City Teen Center	City of Foster City	\$ 4,077,272
Sweetwater Fire Station	State of California	\$ 3,000,000
Throckmorton Fire Station	Marin County	\$ 3,100,200
Washington High School	Fremont Unified	\$ 3,917,041
American High School	Fremont Unified	\$ 4,096,963
Los Altos High School	Los Altos Unified	\$ 9,129,436
Castro Library	City of Castro Valley	\$ 3,434,333
John Muir Elementary	Cupertino Unified	\$ 2,000,000
Safeway	San Jose	\$ 4,119,195
Ohlone Child Dev	Ohlone College	\$ 3,808,000
Fremont Fire Station	City of Fremont	\$ 4,701,906
Santa Soccer Park	City of Santa Clara	\$ 3,030,181
Fire Station 12 & 17	City of Freont	\$ 8,300,234
Grant & Delray	San Lorenzo Unified	\$ 3,200,400

STATEMENT OF BIDDER'S EXPERIENCE (Cont.)

BIDDER (GENERAL CONTRACTOR): D.L Falk Construction, Inc.

The bidder is required to state below what work of similar magnitude or character the bidder has done, and to give reference that will enable the City Council to judge the bidder's experience, skill and business standing and of the bidder's ability to conduct the bidder's work as completely and as rapidly as required under the terms of the contract. **(Contractor may Include Company own Bidders' Experience sheet instead).**

PROJECT NAME

AGENCY/ENTITY

CONTRACT AMOUNT

Fire Station 25	City of San Jose	\$3,857,579

December 2, 2009

**ADDENDUM NO. 1
FOR THE
CALABAZAS BRANCH LIBRARY**

Notice is hereby given that the following revisions, additions and/or deletions are hereby made of, and incorporated into plans and specifications for the **CALABAZAS BRANCH LIBRARY PROJECT**.

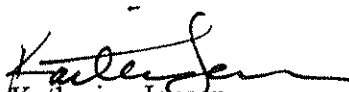
GENERAL:

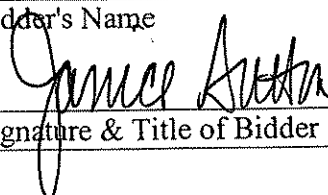
Please find attached Addenda No. 1 with modified Project Manual and Drawings. Drawings are issued in sketch form, 8 1/2" x 11". A complete listing of all modified Project Manual and Drawings sheets is included in the attached documentation.

INSTRUCTIONS TO BIDDER:

The bidder must sign this addendum in the space provided below and return one signed copy of THIS SHEET with the bid. Failure to return this signed copy with the bid documents shall not relieve the bidder of the obligation to include this addendum with the bid proposal.

APPROVED BY:


Katherine Jensen
Division Manager

<u>D.L Falk Construction, Inc.</u>	<u>12/10/09</u>
Bidder's Name	Date
	<u>Vice President</u>
Signature & Title of Bidder	

December 4, 2009

**ADDENDUM NO. 2
FOR THE
CALABAZAS BRANCH LIBRARY**

Notice is hereby given that the following revisions, additions and/or deletions are hereby made of, and incorporated into plans and specifications for the **CALABAZAS BRANCH LIBRARY PROJECT**.

GENERAL:

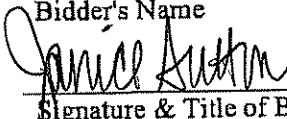
Please find attached Addenda No. 1 with modified Project Manual and Drawings. Drawings are issued in sketch form, 8 1/2" x 11". A complete listing of all modified Project Manual and Drawings sheets is included in the attached documentation.

INSTRUCTIONS TO BIDDER:

The bidder must sign this addendum in the space provided below and return one signed copy of THIS SHEET with the bid. Failure to return this signed copy with the bid documents shall not relieve the bidder of the obligation to include this addendum with the bid proposal.

APPROVED BY:


Katherine Jensen
Division Manager

D.L. Falk Construction, Inc.		12/10/09
Bidder's Name		Date
 Vice President		
Signature & Title of Bidder		

BIDDER'S BOND

KNOW ALL PERSONS BY THESE PRESENTS:

That we, D.L. Falk Construction, Inc. as PRINCIPAL,
and International Fidelity Insurance Company, a corporation duly organized under the
laws of the State of New Jersey and duly licensed to become sole surety on bonds
required or authorized by the State of California, as SURETY, are held and firmly bound unto the
City of San Jose (hereinafter called the "City"), in the penal sum of TEN PERCENT (10%) OF THE
TOTAL AMOUNT OF THE BID of the Principal above named, submitted by said Principal to the
City of San Jose, for the work described below; for the payment of which sum in lawful money of
the United States, well and truly to be made, we bind ourselves, our heirs, executors, administrators
and successors, jointly and severally, firmly by these presents. In no case shall the liability of the
Surety hereunder exceed the sum of
Ten Percent (10%) of the total amount bid DOLLARS
(\$).

THE CONDITION OF THIS OBLIGATION IS SUCH,

That whereas the Principal has submitted the above mentioned bid to the City of San Jose, for
certain construction specifically described as follows, for which bids are to be opened in the Office
of the City Clerk Office, CITY OF SAN JOSE, City Hall, 200 E. Santa Clara St., Wing, 2nd floor,
San Jose, CA 95113 on December 10, 2009 for CALABAZAS BRANCH LIBRARY.

NOW, THEREFORE, if the aforesaid Principal is awarded the contract and, within the time
and manner required under the specifications, after the prescribed forms are presented to Principal
for signature, enters into a written contract, in the prescribed forms, in accordance with the bid, and
files a Faithful Performance Bond and a Contractor's Payment Bond, and files the required insurance
policies with the City, all as required by the specifications and the contract or by law, then the
obligation shall be null and void; otherwise it shall be and remain in full force and effect.

The Surety, for value received, hereby stipulates and agrees that the obligation of said Surety
and its bond shall be in no way impaired or affected by any extension of the time within which the
Owner may accept such Bid; and said Surety does hereby waive notice of any such extension.

In the event suit is brought upon this bond by the Obligee and judgement is recovered, the
Surety shall pay all costs incurred by the Obligee in such suit, including a reasonable attorney's fee to
be fixed by the court.

IN WITNESS WHEREOF, we have hereunto set our hands and seals on this
day of December 3, 2009.

PRINCIPAL

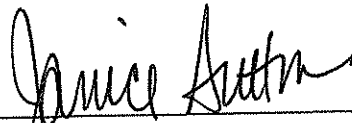
SURETY

D.L. Falk Construction, Inc.
Legal Company Name


International Fidelity Insurance Company
Legal Company Name

Indicate Type of Entity Corporation

By


Title: Vice President

By


Title: James B. Shea, Attorney-in-Fact

By

Title: _____

By

Title: _____

(Affix Corporate Seals)

(Attach Acknowledgments of both Principal and Surety signatures)

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

State of California

County of Santa Clara

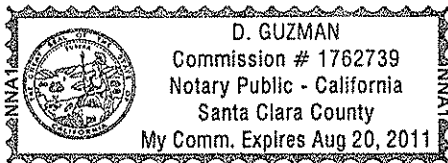
On December 3, 2009
Date

before me,

D. Guzman, Notary Public
Here Insert Name and Title of the Officer

personally appeared

James B. Shea, Attorney-in-Fact
Name(s) of Signer(s)



who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/~~she/they~~ executed the same in his/~~her/their~~ authorized capacity(ies), and that by his/~~her/their~~ signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature

[Signature]
Signature of Notary Public

Place Notary Seal Above

OPTIONAL

Though the information below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent removal and reattachment of this form to another document.

Description of Attached Document

Title or Type of Document: _____

Document Date: _____ Number of Pages: _____

Signer(s) Other Than Named Above: _____

Capacity(ies) Claimed by Signer(s)

Signer's Name: _____

- ☐ Individual
☐ Corporate Officer — Title(s): _____
☐ Partner — ☐ Limited ☐ General
☐ Attorney in Fact
☐ Trustee
☐ Guardian or Conservator
☐ Other: _____

Signer Is Representing: _____

RIGHT THUMBPRINT
OF SIGNER
Top of thumb here

Signer's Name: _____

- ☐ Individual
☐ Corporate Officer — Title(s): _____
☐ Partner — ☐ Limited ☐ General
☐ Attorney in Fact
☐ Trustee
☐ Guardian or Conservator
☐ Other: _____

Signer Is Representing: _____

RIGHT THUMBPRINT
OF SIGNER
Top of thumb here

POWER OF ATTORNEY INTERNATIONAL FIDELITY INSURANCE COMPANY

HOME OFFICE: ONE NEWARK CENTER, 20TH FLOOR

NEWARK, NEW JERSEY 07102-5207

KNOW ALL MEN BY THESE PRESENTS: That INTERNATIONAL FIDELITY INSURANCE COMPANY, a corporation organized and existing laws of the State of New Jersey, and having its principal office in the City of Newark, New Jersey, does hereby constitute and appoint

JAMES B. SHEA, JEFFREY N. ABER, D. GUZMAN, DORA HOCKETT

Campbell, CA.

its true and lawful attorney(s) in fact to execute, seal and deliver for and on its behalf as surety, any and all bonds and undertakings, contracts of indemnity and other writings obligatory in the nature thereof, which are or may be allowed, required or permitted by law, statute, rule, regulation, contract or otherwise, and the execution of such instrument(s) in pursuance of these presents, shall be as binding upon the said INTERNATIONAL FIDELITY INSURANCE COMPANY, as fully and amply, to all intents and purposes, as if the same had been duly executed and acknowledged by its regularly elected officers at its principal office.

This Power of Attorney is executed, and may be revoked, pursuant to and by authority of Article 3-Section 3, of the By-Laws adopted by the Board of Directors of INTERNATIONAL FIDELITY INSURANCE COMPANY at a meeting called and held on the 7th day of February, 1974.

The President or any Vice President, Executive Vice President, Secretary or Assistant Secretary, shall have power and authority

- (1) To appoint Attorneys-in-fact, and to authorize them to execute on behalf of the Company, and attach the Seal of the Company thereto, bonds and undertakings, contracts of indemnity and other writings obligatory in the nature thereof and,
- (2) To remove, at any time, any such attorney-in-fact and revoke the authority given.

Further, this Power of Attorney is signed and sealed by facsimile pursuant to resolution of the Board of Directors of said Company adopted at a meeting duly called and held on the 29th day of April, 1982 of which the following is a true excerpt:

Now therefore the signatures of such officers and the seal of the Company may be affixed to any such power of attorney or any certificate relating thereto by facsimile, and any such power of attorney or certificate bearing such facsimile signatures or facsimile seal shall be valid and binding upon the Company and any such power so executed and certified by facsimile signatures and facsimile seal shall be valid and binding upon the Company in the future with respect to any bond or undertaking to which it is attached.



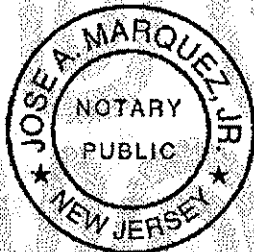
IN TESTIMONY WHEREOF, INTERNATIONAL FIDELITY INSURANCE COMPANY has caused this instrument to be signed and its corporate seal to be affixed by its authorized officer, this 16th day of October, A.D. 2007.

INTERNATIONAL FIDELITY INSURANCE COMPANY

STATE OF NEW JERSEY
County of Essex

Secretary

On this 16th day of October 2007, before me came the individual who executed the preceding instrument, to me personally known, and, being by me duly sworn, said he is the therein described and authorized officer of the INTERNATIONAL FIDELITY INSURANCE COMPANY; that the seal affixed to said instrument is the Corporate Seal of said Company; that the said Corporate Seal and his signature were duly affixed by order of the Board of Directors of said Company.



IN TESTIMONY WHEREOF, I have hereunto set my hand affixed my Official Seal, at the City of Newark, New Jersey the day and year first above written.

A NOTARY PUBLIC OF NEW JERSEY
My Commission Expires Nov. 21, 2010

CERTIFICATION

I, the undersigned officer of INTERNATIONAL FIDELITY INSURANCE COMPANY do hereby certify that I have compared the foregoing copy of the Power of Attorney and affidavit, and the copy of the Section of the By-Laws of said Company as set forth in said Power of Attorney, with the ORIGINALS ON IN THE HOME OFFICE OF SAID COMPANY, and that the same are correct transcripts thereof, and of the whole of the said originals, and that the said Power of Attorney has not been revoked and is now in full force and effect

IN TESTIMONY WHEREOF, I have hereunto set my hand this

3rd day of December, 2009

Assistant Secretary